

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TOBY A. ERHART,

Petitioner,

v.

MARGARET GILBERT,

Respondent.

CASE NO. C15-5901 BHS-KLS

AMENDED ORDER FOR SERVICE  
AND ANSWER, § 2254 PETITION

This is a federal habeas action filed under 28 U.S.C. § 2254. Petitioner is currently incarcerated at the Stafford Creek Corrections Center and is subject to the Court's Mandatory Electronic E-Filing Pilot Project pursuant to General Order 02-15. The Court, having reviewed petitioner's federal habeas petition, hereby finds and **ORDERS** as follows:

(1) The Clerk shall arrange for service by certified mail upon respondent and upon the Attorney General of the State of Washington, of copies of the petition, of all documents in support thereof, and of this Order. The Clerk shall also direct a copy of this Order and of the Court's *pro se* instruction sheet to petitioner.

(2) Within ***forty-five (45) days*** after such service, respondent(s) shall file and serve an answer in accordance with Rule 5 of the Rules Governing Section 2254 Cases in United States

1 District Courts. As part of such answer, respondent(s) shall state whether petitioner has  
2 exhausted available state remedies and whether an evidentiary hearing is necessary.  
3 Respondent(s) shall not file a dispositive motion in place of an answer without first showing  
4 cause as to why an answer is inadequate. Respondent(s) shall file the answer with the Clerk of  
5 the Court and serve a copy of the answer on petitioner.

6 (3) The answer will be treated in accordance with LCR 7. Accordingly, on the face  
7 of the answer, respondent(s) shall note it for consideration on the fourth Friday after filing.  
8 Petitioner may file and serve a response not later than the Monday immediately preceding the  
9 Friday designated for consideration of the matter, and respondent(s) may file and serve a reply  
10 not later than the Friday designated for consideration of the matter.

11 (4) Filing by Parties, Generally

12 All attorneys admitted to practice before this Court are required to file documents  
13 electronically via the Court's CM/ECF system. Petitioner shall file all documents electronically.  
14 All filings must indicate in the upper right hand corner the name of the magistrate judge to whom  
15 the document is directed.

16 Any document filed with the Court must be accompanied by proof that it has been served  
17 upon all parties that have entered a notice of appearance in the underlying matter. Petitioner  
18 shall indicate the date the document is submitted for e-filing as the date of service.

19 (5) Motions

20 Any request for court action shall be set forth in a motion, properly filed and served.  
21 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a  
22 part of the motion itself and not in a separate document. The motion shall include in its caption  
23 (immediately below the title of the motion) a designation of the date the motion is to be noted for

1 consideration on the Court's motion calendar.

2 (6) Direct Communications with District Judge or Magistrate Judge

3 No direct communication is to take place with the District Judge or Magistrate Judge with  
4 regard to this case. All relevant information and papers are to be directed to the Clerk.

5 Dated this 3rd day of February, 2016.

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8 Karen L. Strombom  
9 United States Magistrate Judge  
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